

# **ATTACHMENT B**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

Facebook. account information relating to the account holder using vanity name wlandisl and UIDs 1641165072 and 1334013414, 1601 Willow Road, Menlo Park, CA, and other locations where Facebook. Servers are located that store e-mail and user account content and information.

APPLICATION AND AFFIDAVIT  
FOR SEARCH WARRANT

CASE NUMBER: 12 - 1595 - M

I, Adam Sucheski, being duly sworn, depose and say:

I am a(n) Special Agent of the Federal Bureau of Investigation and have reason to believe that on the property or premises known as (name, description and/or location)

Facebook. account information relating to the account holder using vanity name wlandisl and UIDs 1641165072 and 1334013414, 1601 Willow Road, Menlo Park, CA, and other locations where Facebook. Servers are located that store e-mail and user account content and information.

in the Eastern District of Pennsylvania, there is now concealed a certain person or property, namely  
(describe the person or property to be seized)

See Attachments A and B.

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)  
property designed/intended for use or which is or has been used as the means of committing a crime

concerning a violation of Title 18, United States Code, Section(s) 2252, 2252A, 2251.  
The facts to support a finding of Probable Cause are as follows:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence

Signature of Affiant

Philadelphia, PA

Date 11/29/12  
Honorable ELIZABETH T. HEY, U.S. Magistrate Judge

City and State

Name and Title of Issuing Officer

Signature of Issuing Officer

ATTACHMENT B

**ATTACHMENT A  
(To Be Served Upon Facebook.)**

**Location to be searched:** Facebook., 1601 Willow Road, Menlo Park, California, and other locations where Facebook. servers are located that store e-mail and user account content and information.

**Items to be Seized** (account information related to the account holder using vanity name wlandis1 and UIDs 1641165072 and 1334013414 ):

- A. All account information, including: full name, user identification number, birth date, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- B All communications and messages made or received by the user, including all private messages;
- C. All IP logs, including all records of the IP addresses that logged into the account; to include intra-session IPs
- D. The length of service (including start date), the types of service utilized by the user, and the means and source of any payments associated with the service (including any credit card or bank account number);
- E. All privacy settings and other account settings;
- F. All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.
- G. Exif/metadata associated with photographs posted to the above Facebook accounts

H. Recognized devices

I. Deleted friends

J. Preserved data requested on October 21, 2012.

**ATTACHMENT B**  
**(To be executed by Law Enforcement Agents)**

**Items to be seized:**

All files, documents, communications, and contacts associated with the accounts using vanity name wlandis1 and UIDs 1641165072 and 1334013414 related to the production, receipt, distribution, and or possession of files of minors engaging in sexually explicit conduct and or sadistic or masochistic abuse, to include child pornography; visual depictions of minors engaging in sexually explicit conduct; communications about or to minors; and any contact with minors; in violation of Title 18, United States Code, Sections 2252, 2252A and 2251, along with any evidence that would tend to show the true identities of the persons committing these offenses.

All available log files showing dates, times and IP addresses for access to this account.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

In the Matter of the Search of  
(Name, address or brief description of person, property or premises to be searched)

## SEARCH WARRANT

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CASE NUMBER: 12-1595-M

to: Agents of the Federal Bureau of Investigation and any Authorized Officer of the United States information.

Affidavit(s) having been made before me by Adam Sucheski who has reason to believe that on the property or premises known as (name, description, and/or location)

Facebook, account information relating to the account holder using vanity name wlandis1 and UIDs 1641165072 and 1334013414, 1601 Willow Road, Menlo Park, CA, and other locations where Facebook. Servers are located that store e-mail and user account content and information.

in the Eastern District of Pennsylvania, there is now concealed a certain person or property, namely (describe the person or property)

See Attachments A and B.

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before

December 8, 2012

Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime – 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to HONORABLE ELIZABETH T. HEY, United States Magistrate Judge as required by law.

11/29/12 10:15 a.m.

Date and Time Issued

HONORABLE ELIZABETH T. HEY, U.S. Magistrate

Name and Title of Issuing Officer

Philadelphia, PA

City and State

[Signature]  
Signature of Issuing Officer



**ATTACHMENT A**  
**(To Be Served Upon Facebook.)**

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- B. All communications and messages made or received by the user, including all private messages;
- C. All IP logs, including all records of the IP addresses that logged into the account; to include intra-session IPs
- D. The length of service (including start date), the types of service utilized by the user, and the means and source of any payments associated with the service (including any credit card or bank account number);
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All available log files showing dates, times and IP addresses for access to this account.

### **AFFIDAVIT**

I, Adam Sucheski, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Philadelphia Division, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI for six years, and am currently assigned to the Philadelphia Division's Fort Washington Resident Agency. While employed by the FBI, I have investigated federal criminal violations related to child pornography, robbery and securities fraud. I have gained experience through training at the FBI Academy and prior law enforcement training.
2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.
3. The statements in this Affidavit are based on my investigation and other law enforcement officers investigation of this matter. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence, fruits, and instrumentalities of the violation of Title 18, United States Code, Sections 2252, 2252A, and 2251, are located at Facebook. and associated with subject name WENDELL LANDIS, vanity name wlandis1 and User Identification (UID) 1641165072 and the suspected minor victim's UID 1334013414.

### **LEGAL AUTHORITY**

4. Title 18 U.S.C. § 2252(a) prohibits a person from knowingly transporting, shipping, receiving, distributing, reproducing for distribution, possessing, or accessing with intent to view

any visual depiction of minors engaging in sexually explicit conduct, or produced using a minor engaged in such conduct, when such visual depiction was either mailed or shipped or transported in interstate or foreign commerce, or in or affecting interstate commerce, by any means, including by computer, or when such visual depiction was produced using materials that had traveled in interstate or foreign commerce.

5. Title 18 U.S.C. § 2252A(a) prohibits a person from knowingly transporting, shipping, receiving, distributing, reproducing for distribution, possessing, or accessing with intent to view any child pornography, as defined in Title 18 U.S.C. § 2256(8), when such child pornography was either mailed or shipped or transported in interstate or foreign commerce, or in or affecting interstate commerce, by any means, including by computer, or when such child pornography was produced using materials that had traveled in interstate or foreign commerce.

6. Title 18 U.S.C. § 2251(a) prohibits a person from using the mail or any facility, including the computer, or means of interstate or foreign commerce, from knowingly employing, persuading, inducing, enticing, or coercing any minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct.

7. Under 18 U.S.C. § 2703(g), a law enforcement officer does not have to be present for either the service or execution of the warrant. It is sufficient for us to serve it by fax or by mail upon Facebook.. I request that Facebook. be required to produce the electronic communications and other information identified in Attachments A and B hereto. Because Facebook. is not aware of the facts of this investigation, its employees are not in a position to search for relevant evidence. In addition, requiring Facebook. to perform the search would be a burden upon the company. If all Facebook. is asked to do is produce all the files associated with the account, an

employee can do that easily. Requiring Facebook. to search the materials to determine what content is relevant would add to their burden.

8. I request that the Court authorize law enforcement agents to seize only those items identified in Attachment B from what is produced by Facebook. pursuant to the search warrant. In reviewing these files, I will treat them in the same way as if I were searching a file cabinet for certain documents. E-mails will be scanned quickly to determine if they are relevant to my search. If they are, they will be read. If I determine that they are not relevant, I will put them aside without reading them in full. This method is similar to what a law enforcement officer would do in the search of a filing cabinet or a seized computer.

9. Under 18 U.S.C. § 2703(b)(1)(A), notice to the customer or subscriber is not required when the government obtains the contents of electronic communications using a search warrant.

10. Under 18 U.S.C. §§ 2711(3) and 3127, this Court has the authority to issue the warrant directing Facebook. to comply even though Facebook. is not located in this district, because the Court has jurisdiction over the offense being investigated.

11. I also ask that the warrant direct Facebook. to produce records and other information pertaining to this account. The government may obtain such records either by filing a motion under 18 U.S.C. § 2703(d), or by means of a search warrant under § 2703(c)(1)(A). Since I need a search warrant to obtain the electronic communications anyway, I am proceeding in the request for records by search warrant as well. The facts set forth below to show probable cause also constitute specific and articulable facts, showing that there are reasonable grounds to believe that the records and other information sought are relevant and material to an ongoing criminal investigation, as required by 18 U.S.C. § 2703(d).

**BACKGROUND REGARDING COMPUTERS, THE INTERNET, E-MAIL, AND  
FACEBOOK**

12. The term "computer" as used herein is defined in 18 U.S.C. § 1030(e)(1), and includes an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device.

13. The Internet is a worldwide network of computer systems operated by governmental entities, corporations, and universities. In order to access the Internet, an individual computer user must subscribe to an access provider, which operates a host computer system with direct access to the Internet. The World Wide Web ("www") is a functionality of the Internet which allows users of the Internet to share information.

14. With a computer connected to the Internet, an individual computer user can make electronic contact with millions of computers around the world. This connection can be made by any number of means, including modem, local area network, wireless and numerous other methods.

15. E-mail is a popular form of transmitting messages and or files in an electronic environment between computer users. When an individual computer user sends e-mail, it is initiated at the user's computer, transmitted to the subscriber's mail server, then transmitted to its final destination. A server is a computer that is attached to a dedicated network and serves many users. An e-mail server may allow users to post and read messages and to communicate via electronic means.

16. Internet-based e-mail is a service provided by an electronic communication service

provider allowing individuals to send and receive e-mail from any Internet connected computer, regardless of their location or Internet service provider (ISP). Individuals utilizing Internet-based e-mail services access their accounts by "logging in" through the web-browser software installed on their computer, often by providing an account name and an associated password. Once the service provider's computers have determined the password is correct for the given account name, the individual "logged-in" can access any e-mail sent to their account, and or send e-mail to any other e-mail address accessible via the Internet.

17. Internet-based e-mail service providers reserve and or maintain computer disk storage space on their computer system, usually limited and closely regulated, for the use of the service subscriber for the storage of e-mail communications with other parties, which include graphic files, programs, or other types of data stored in electronic form.

18. Internet-based e-mail service providers maintain records pertaining to the individuals who subscribe to their services. These records could include the account holder's name, address, date of birth, gender, occupation, and the Internet Protocol (IP) address used to establish the account and subsequent accesses to that account.

19. Any e-mail that is sent to a Internet-based e-mail subscriber is stored in the subscriber's "mail box" on the electronic communications service provider's servers until the subscriber deletes the e-mail or the subscriber's mailbox exceeds the storage limits preset by the provider. If the message is not deleted by the subscriber, the account is below the maximum limit, and the subscriber accesses the account periodically, that message can remain on the provider's servers indefinitely. Electronic communications service provider's can also perform backups of subscriber's email accounts as routine maintenance in case their servers become inoperable so

the content in the subscriber's account is not lost.

20. When the subscriber sends an e-mail, it is initiated at the user's computer, transferred via the Internet to the provider's servers, and then transmitted to its end destination. Most Internet-based e-mail users have the option of saving a copy of a sent e-mail. Unless the sender of the e-mail specifically deletes the e-mail from the provider's server, the e-mail can remain on the system indefinitely. The sender can delete the stored e-mail message thereby eliminating it from the e-mail box maintained by the provider, but that message will remain in the recipient's e-mail box unless the recipient deletes it as well or unless the recipient's account is subject to account size limitations.

21. Internet-based e-mail provider's typically offer services to their subscribers that allow them to store any electronic file (i.e. image files, text files, etc.) on servers maintained and or owned by the provider.

22. E-mails and other electronic files stored on an electronic communications service provider's server by a subscriber may not necessarily be located in the subscriber's home computer. The subscriber may store e-mails and or other files on the provider's server for which there is insufficient storage space in the subscriber's computer and or which he/she does not wish to maintain in the computer in his/her residence. A search of the files in the computer in the subscriber's residence will not necessarily uncover the files that the subscriber has stored on the provider's server.

23. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news,



photographs, videos, and other information with other Facebook users, and sometimes with the general public.

24. Facebook asks users to provide basic contact information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account. Users can also setup a "vanity URL" so other users can easily find their Facebook pages.

25. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, to all Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

26. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "Mini-Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

27. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming "events," such as social occasions, by listing the event's time, location, host, and guest list. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.

28. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile.

29. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

30. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service

(including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their account, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well records of any actions taken by the provider or user as a result of the communications.

31. Therefore, the computers of Facebook are likely to contain all the material just described, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and account application.

### **BACKGROUND OF THE INVESTIGATION**

32. On October 18, 2012, your Affiant was provided information from Facebook which appeared to indicate that a twenty-seven year old man was involved in the enticement and production of child pornography. Facebook had discovered suspected sexual conversations between a adult male and a minor female. Facebook notified the National Center for Missing and Exploited Children (NCMEC) who subsequently advised the FBI. Your Affiant was advised that Facebook user WENDELL LANDIS, user identification (UID) 1641165072 had his profile disabled by Facebook as it appeared that he was violating their terms of service for engaging in sexual conversation with a minor. Facebook provided a telephone number for the suspected minor as well as her Facebook UID and IP address information.

33. Through public records checks and law enforcement databases, your Affiant identified

WENDELL LANDIS as ROBERT WENDELL LANDIS, date of birth December 7, 1984. Your Affiant also located an active Facebook account for LANDIS, bearing vanity name wlandis1. On this Facebook webpage, LANDIS indicates that he works for Exton Nissan, in Exton, Pennsylvania. Your Affiant has viewed the photographs from the active Facebook page as well as LANDIS' Pennsylvania driver's license photograph. Your Affiant believes that they are the same individual, ROBERT WENDELL LANDIS.

34. Your Affiant reviewed the information from Facebook, which provided several IP addresses from which LANDIS accessed his account. The most recent in the records was 173.12.13.209 assigned on 07/20/2012 00:38:27 UTC

35. Your Affiant reviewed the information provided located telephone number 215-262-4363 within the records for UID 1641165072. Your Affiant sent a subpoena to Verizon, which indicated that the telephone number is assigned to ROBERT W. LANDIS, 1507 Salford Street, Salford, PA 18957. A review of toll records provided by Verizon indicates that LANDIS had telephonic contact 79 times with the minor between January 1, 2012 and October 21, 2012.

36. On November 2, 2012, your Affiant received a response to a subpoena from Charter Communications. Charter Communications advised that IP address 75.131.214.244 was assigned to an account holder at an address known to your Affiant in Buford, Georgia on 10/7/2012 at 19:56:19 UTC. Through public records checks, your Affiant located and spoke with the account holder on November 7, 2012. The account holder indicated that her daughter is a minor, born in 1996 and that she had lived in Chester County, Pennsylvania up until July 2012, when they moved to Buford, Georgia. Her daughter's Facebook account is associated with UID 1334013414.

10  
 1 \* Facebook had provided a telephone number for the minor, which was identified by the minor's mother as belonging to her daughter.

37. On November 6, 2012, Comcast responded to a subpoena for records related to IP address 173.12.13.209 assigned on 07/20/2012 00:38:27 UTC is a statically assigned IP address, the subscriber is EXTON NISSAN, 200 West Lincoln Highway, Exton, Pennsylvania 19341. Additionally, Comcast advised that email address rlandis325@comcast.net is assigned to ROBERT LANDIS, 1102 Colonial Court, Norristown, Pennsylvania 19403, 215-262-4363.

38. Your Affiant reviewed the messages provided by Facebook between LANDIS and the minor.<sup>2</sup> A conversation on April 29, 2012 at approximately 6:00 PM is as follows: Wendell

Landis (WL) and Minor (M) WL "Lol...I wanna take pics of u..."

- M "Nnnn what kindd ;)"
- WL "Not ones u can put on fb... Maybe start out with underwear pics..."
- M "Mmm u can take any type u want ;)"
- WL "Maybe end up takin pics of u sucking my dick... or maybe a pic of my dick in ur ass..."
- M "Anything you want hun."

39. The conversation continues approximately an hour and a half later and appears to show LANDIS is planning to meet the minor;

- WL "I gotta make sure I can come tonight."
- M "Okayyss well if u can. U can do w,e u want to me and take any pics u want ;)"
- WL "I wanna finger ur ass while u suck my dick."
- M "Go ahead ;)"

40. Approximately two hours later, it appears that LANDIS and the minor have met and are discussing what occurred;

<sup>2</sup> BASED UPON INFORMATION PROVIDED BY FACEBOOK, THIS MINOR HAS BEEN IDENTIFIED BY HER MOTHER, THIS MINOR IS ASSOCIATED WITH UID 1334013414. THIS UID IS IN # 38-42.

- M "Haha not uhh! I jus kissed u alott"
- WL "That's all?"
- M "At first haha hten u were like I gotta stop or im guna wanna fuck u haha."
- WL "So u kept going..."
- M "Hahaha I did ;) hey im not the one who gets excited that easily loll all we didw eas make out and u were ROCK hard."
- WL "R u complaining?"
- M "U acted rilly surpriseedd when I sat on u lol I toldd u I was rilly tight :P I hope u liked it thooo ;)"
- WL "It felt good."
- M "Well if u come ovr then u can feel it again."
- WL "u sure?:"
- M "100% sure ;) and maybe this timee u can take some control when we fuck ;) and last longer."

41. On May 5, 2012, LANDIS and the minor appear to be planning to meet the next day;

- WL "R ur parents gonna be home al day tomorrow?"
- M "Yeahh but I can jus go to the park."
- WL "idk if I can fuck but would love a nice bj."

42. On May 6, 2012, it appears that LANDIS and the minor planned to meet at approximately 3:30 PM and then discussed what happened during their encounter;

- WL "R u horny?"
- M "Mmhhmmm"

- WL "My back and neck r killing me."
- M ":( im sorryy im on my way down now."
- WL "Was tonight better than last time?"
- M "Yes!"


### CONCLUSION

43. Based on the aforementioned factual information, your affiant respectfully submits that there is probable cause to believe that an individual using vanity name wlandis1 and UID 1641165072 has knowingly persuaded, induced, enticed, or coerced a minor to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, and received and or possessed child pornography, and respectfully submits that there is probable cause to believe that an individual using vanity name wlandis1 and UIDs 1641165072 has violated Title 18, United States Code, Sections 2252, 2252A, and 2251. Additionally, there is probable cause to believe that evidence of the commission of criminal offenses, namely, violations of Title 18, United States Code, Sections 2252, 2252A, and 2251, is located in Facebook accounts using vanity name wlandis1 and UID 1641165072 and UID 1334013414 and other computer servers of Facebook. located at Facebook., 1601 Willow Road, Menlo Park, California 94025 and this evidence, listed in Attachments A and B to this affidavit, which is incorporated herein by reference, is contraband, the fruits of crime, or things otherwise criminally possessed, or property which is or has been used as the means of committing the foregoing offenses.


44. Your Affiant, therefore, respectfully requests that the attached warrant be issued

authorizing the search and seizure of the items listed in Attachments A and B.

45. Since this investigation is continuing, disclosure of the search warrant, this affidavit, and/or this application and the attachments thereto will jeopardize the progress of the investigation. Accordingly, I request that the Court issue an order that the search warrant, this affidavit in support of application for search warrant, the application for search warrant and all attachments thereto, and all related docket entries be filed under seal until further order of this Court.

  
Adam Sucheski  
Special Agent  
Federal Bureau of Investigation

Sworn and subscribed before me this 27<sup>th</sup> day of November, 2012.

  
HON. ELIZABETH T. HEY  
UNITED STATES MAGISTRATE JUDGE



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All available log files showing dates, times and IP addresses for access to this account.